



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 2008

Gail Harmon
Harmon, Curran, Spielberg & Eisenberg
1726 M Street, N.W.
Suite 600
Washington, D.C. 20036

RE: MUR 5970
Friends of the Earth

Dear Ms. Harmon:

On February 5, 2008, the Federal Election Commission notified your client, Friends of the Earth ("FOE"), of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). On October 22, 2008, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe FOE violated 2 U.S.C. § 441a(a)(1). Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Elena Paoli, the attorney assigned to this matter at (202) 694-1548.

Sincerely,

A handwritten signature in black ink that reads "Julie K. McConnell /ejp".

Julie K. McConnell
Assistant General Counsel

Enclosure
Factual and Legal Analysis

29044223004

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Friends of the Earth

MUR: 5970

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission by Lori Sherwood. See 2 U.S.C. § 437g(a)(1).

II. FACTUAL AND LEGAL ANALYSIS

Friends of the Earth ("FOE") is a non-profit environmental organization. The complaint alleges that FOE made excessive in-kind contributions to Donna Edwards for Congress ("Committee"). Donna Edwards is the Executive Director of the ARCA Foundation ("ARCA"). The complaint alleges that because ARCA gave money to FOE, FOE gave money to Edwards through FOE board members, employees, and its political action committee. The complaint alleges the FOE contributions constitute excessive in-kind contributions and further alleges that FOE endorsed Edwards.

FOE states that it is a 501(c)(3) organization and did not endorse Edwards. It further states that the FOE PAC and FOE's president made legal contributions to the Edwards Committee.

There is no information suggesting that contributions to Edwards from FOE's PAC and its president were given in exchange for grants to FOE from ARCA. Therefore, there is no reason to believe that FOE violated 2 U.S.C. § 441a(a)(1) by making excessive in-kind contributions to Edwards.